IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

Writ Petition No. 11155 of 2004

Between:

Smt. Rukhasana Fatima, W/o.Shri Abdullah H.A.AL Asaika,

Now residing at H.No.17-6-572, Dabeerpura, Hyderabad.

..... PETITIONER

AND

1.Union of India, rep. by the Secretary, Ministry of External Affairs,

New Delhi.

2.Regional Passport Officer, Passport Office, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ or direction holding that the letter No.D/1286/01, dated 23.12.2003 issued by the Respondent No.2 demanding the financial guarantee on non-judicial stamp of Rs.15/- without furnishing any format is null, void and against the Passport Act & Rules and consequently direct the Respondent No.2 to issue the passport to the petitioner mentioning her husband's name in lieu of her damaged passport No. T 252648 dated 30.11.1994.

Counsel for the Petitioner: MR. M.A.BARI

Counsel for the Respondent Nos.1 and 2 : MR. DEEPAK BHATTACHARJEE,

Standing Counsel for the Central Government.

The Court made the following:

O R D E R:

This writ petition is filed by the petitioner seeking a direction, more particularly, one in the nature of writ of Mandamus or any other appropriate writ or direction holding that the letter No.D/1286/01, dated 23.12.2003 issued by the second respondent (Regional Passport Officer, Passport Office, Secunderabad) demanding the financial guarantee on non-judicial stamp of Rs.15/- without furnishing any format is null, void and against the Passport Act and Rules.

With the consent of the parties, the main writ petition itself is taken up for hearing and it is being disposed of by this order.

Heard counsel for the petitioner and learned Standing Counsel, appearing for the respondents.

The main grievance of the writ petitioner is that without furnishing any format, she has been asked to execute a bond. The second respondent filed counter affidavit enclosing copy of form of guarantee. A copy of the form of guarantee has also been served on the counsel for the petitioner. Since form of guarantee has been made available to the petitioner, it is for the petitioner to execute the bond in the prescribed proforma and comply the other conditions, if any. In view of the same, the petitioner is directed to furnish the bond in the prescribed proforma within two weeks from today and thereafter, the second respondent shall consider the application of the petitioner and pass appropriate orders within two weeks.

With the above direction, the writ petition is disposed of. No costs.

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B.SESHASAYANA REDDY, J.

Dated: 10th June, 2005.

CS

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Secretary, Union of India, Ministry of External Affairs,

New Delhi.

2.The Regional Passport Officer, Passport Office, Secunderabad.

3. Two C.D. copies.